

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RYAN A. HEILIMANN,**

**Plaintiff**

**v.**

**STATE TROOPER THOMAS  
O'BRIEN; Individually and as a State  
Trooper for the Commonwealth of  
Pennsylvania; STATE TROOPER  
PETER P. NEMSHICK Individually  
and as a State Trooper for the  
Commonwealth of Pennsylvania;  
CORY MOODY; AGENT CHRISTOPHER  
CARDONI; Individually and as a member  
of the Pennsylvania Gaming Control  
Board; MOUNT AIRY, NO. 1,  
LLC d/b/a MT. AIRY CASINO;  
JOHN DOE CASINO  
DEFENDANTS #1-25, Individually  
and as employees of Mt. Airy  
Casino; JANE DOE CASINO  
DEFENDANTS #1-25, Individually and  
as employees of Mt. Airy Casino,  
Defendants**

**No. 3:14cv1271**

**(Judge Munley)**

.....

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. A Telephonic Case Management Conference will be conducted by the Court on Thursday, March 26, 2015 at 10:30. Counsel for the plaintiff is responsible for initiating and placing the conference call to Judge Munley's chambers at telephone number (570) 207-5780.
2. In accordance with Fed.R.Civ.P. 26(f) and Local Rule 16.3, lead counsel for each party shall, as soon as practicable and in any event at least five (5) days prior to the Case Management

Conference, meet and discuss in good faith the matters set forth on the Joint Case Management Plan, a copy of which is included in our Local Rules of Court and may be obtained from the Court's website at [www.pamd.uscourts.gov](http://www.pamd.uscourts.gov). **The completed Joint Case Management Plan must be filed at least five (5) days prior to the Case Management Conference.** Sanctions may be imposed if a party or a party's attorney fails to participate in good faith in the conference required by Fed.R.Civ.P. 26(f) and Local Rule 16.3(a). See, e.g., Fed.R.Civ.P. 37(g).

3. The purpose of the Case Management Conference is to discuss all aspects of this case, including any pending motions, as well as a schedule for (a) the completion of discovery, (b) amendment of pleadings, (c) joinder of parties, (d) filing of motions, and (e) trial. Presently, joinder of third-party defendants is governed by Local Rules 14.1 and 14.2; amendment of pleadings by Fed.R.Civ.P. 15; the filing of pretrial motions by Local Rule 7.1; and the closing of discovery by Local Rule 26. Unless modified at the Case Management Conference, these rules will continue to apply. The subjects for consideration at the Case Management Conference will also include those matters set forth in Fed.R.Civ.P. 16(b) and (c).

4. It is anticipated that, prior to the Case Management Conference, the parties, at a minimum, will have complied with the disclosure requirements of Fed.R.Civ.P. 26(a) so that a reasonable discussion of the merits will take place at the conference. Local Rule 5.4(b) states, "Interrogatories, requests for disclosures, requests for documents, requests for admissions, and answers and responses thereto", i.e. **discovery material**, "shall be served upon other counsel and parties but **shall not be filed with the court** unless on order of the court...".

5. If the parties agree to refer this matter to a Magistrate Judge for pretrial and trial purposes, they should prepare and return the attached "Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction" form to Judge Munley's case administrator no later than three (3) days before the scheduled case management conference. The conference will then be cancelled and the case will then

be referred to a Magistrate Judge who will re-schedule the case management conference.

6. In accordance with Fed.R.Civ.P. 16(c) and Local Rule 16.2, at least one of the attorneys for each party participating in the Case Management Conference shall be familiar with the case; shall have authority to enter into stipulations and to make admissions regarding all matters that the parties reasonably anticipate may be discussed; and shall have complete settlement authority. If any attorney does not have complete settlement authority, the party or person with full settlement authority shall be available by telephone. Counsel is responsible for notifying the person with settlement authority of the requirements of Local Rule 16.2, as well as the date of the Case Management Conference.

7. It is the affirmative duty of both counsel and the Court to avoid undue cost or delay in litigation. Counsel are expected to comport themselves in a manner intended to serve the just, speedy and inexpensive determination of this action.

**Strict compliance with our Local Rules, including Rules 16.2 (Participants) and 16.3 (Conference of Attorneys), as well as this court's Standing Order #1 concerning conferences, is required. The Local Rules are available on the Court's website at [www.pamd.uscourts.gov](http://www.pamd.uscourts.gov). Failure to comply with the Local Rules may result in the imposition of sanctions.**

**s/James M. Munley  
JUDGE JAMES M. MUNLEY  
United States District Court**

Dated: 3/9/15

**UNITED STATES DISTRICT COURT**  
for the  
Middle District of Pennsylvania

<i>Plaintiff</i>	)	
v.	)	
<i>Defendant</i>	)	Civil Action No.
	)	

**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>

**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.